

BOARD OF SELECTMEN – DECEMBER 16, 2013

I. Call to Order

Chairman Alex Vispoli reconvened the Regular Meeting of the Board of Selectmen to order at 7:01 P.M. in the Selectmen's conference room in the Town Offices. Present: Chairman Vispoli-Y and Selectmen Paul Salafia-Y, Brian Major-Y, Mary Lyman-Y and Dan Kowalski-Y. Also present: Town Manager Reginald S. Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cablecast live.

II. Executive Session

Chairman Vispoli called the Executive Session to order at 6:03 P.M. in the Selectmen's conference room in the Town Offices. On a motion by Dan Kowalski and seconded by Paul Salafia, the Board entered into Executive Session to discuss collective bargaining strategy, strategy for non-union personnel, and review and vote on Executive Session minutes and to return to Open Session. Roll call: Chairman Vispoli-Y and Selectmen Paul Salafia-Y, Brian Major-Y, Mary Lyman-Y and Dan Kowalski-Y. At 7:10 P.M. on a motion by Mary Lyman seconded by Paul Salafia, the Board voted to adjourn from Executive Session, to move to Open Session and not to return to Executive Session. Roll call: Chairman Vispoli-Y and Selectmen Paul Salafia-Y, Brian Major-Y, Mary Lyman-Y and Dan Kowalski-Y.

III. Opening Ceremonies

Chairman Vispoli led the members in a Moment of Silence followed by the Pledge of Allegiance.

IV. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

- ~ Reminded the Board that the Massachusetts Municipal Association Meeting will be held on January 24th & 25th and to notify the office if they plan to attend.
- ~ The Green Advisory Board was chosen by the Governor's Office to be part of the Solarize Massachusetts Program. The program will provide special incentives to install solar panels and systems.
- ~ The Planning Board will meet on Tuesday to show the Master Plan Design for The Park, playstead, municipal buildings, etc.
- ~ Openings are available on the Cable Advisory Board (3), Retirement Board (1), Spring Grove Cemetery Board of Trustees (2) and the Recycling Committee (2).

Selectman Salafia reported on the two options for the James Doherty plaque – one which includes the Town Seal that the Board needs to decide on.

Selectman Lyman wants to address the FTE report discussed at the Tri-Board Meeting.

Selectman Kowalski thanked Elder Services Director Kathy Urquhart for the tour of the Center for Punchard she provided last Friday. There were several suggestions for "small" changes to the Center that can make a difference in the facilities.

Chairman Vispoli reported that Representative James Lyons and State Senator Barry Finegold attended the Legislative Meeting with the Council on Aging and agreed with Selectman Kowalski that Kathy Urquhart did a great job and the information provided a good dialogue.

V. Citizens Petitions & Presentations – None

VI. Continued Public Hearing from November 18, 2013

A. FY-2015 – FY-2019 Capital Improvement Program

The Town's By-law requires that the Board of Selectmen conduct a Public Hearing vote to adopt the CIP in principal as funding allows. It was noted that the Debt Analysis Tool was utilized and was an important part of the process. The Town Manager and Board discussed the CIP presented. Selectman Kowalski would like to see a set amount of funding for the schools in future years and an attempt to prioritize building improvements across the entire Town, not just the Schools.

Selectman Major moved for the Board to adopt the Town Manager's CIP Program for FY-2015 to FY-2019 as funding allows. The motion was seconded by Selectman Salafia and voted 5-0 to approve.

VII. Regular Business of the Board

A. Trash and Recycling Continued Discussion

The Board continued their discussion with Acting DPW Director Chris Cronin and Keith Saxon, Chairman of the Recycling Committee, regarding the Town's trash and recycling program future options. Chris and Keith pointed out it is a good time to send out RFP's because the competition is fierce. They talked about opportunities for improvements, decisions on policies (i.e. barrel limit, enforcing trash limits) and options for cost savings plans such as weekly/bi-weekly pickup, using toters, etc. Performance comparison data based on eight bordering towns and two Aaa bonded towns was discussed and it was noted that Andover has a 92% participation rate. Policy changes need to be paired with benefits – provide a better service to get better benefits. There was discussion regarding how to provide recycling services to residents in condominiums and multi-family housing units. The RFP will include 'bundling' and they expect savings in this competitive market but the vendors want a commitment from the Town to enforce limits. The basic RFP should clearly designate what items the Town wants and the term of the contract will be for three years with a two year option. The Selectmen want to know what the cost will be for a three barrel limit and what the difference is between 4, 3, and 2 barrels. Customer service is one of the Town's goals for 2014, therefore, services

shouldn't be reduced to save a little bit of money.

B. Medical Marijuana – First Reading

Director of Planning Paul Materazzo gave a presentation regarding a proposed Medical Marijuana Overlay District warrant article for the 2014 Annual Town Meeting. In the first year, thirty-five sites in the State have opened and additional facilities will be based on need. Cities and towns cannot ban the facilities but can be proactive and create zoning areas. Four areas in Andover have been identified for consideration: River Road, Doctor's Park on Haverhill Street, Dascomb Road by the Tewksbury line/Rte 93 area, and Lowell Junction. The Planning Board would be the Special Permit Granting Authority for a RMD Special Permit. A public hearing for further community discussion and vote at Town Meeting will be scheduled.

C. Payment in Lieu of Taxes (PILOT) Policy – First Reading

The Board discussed the need to pursue the proposed Payment in Lieu of Taxes (PILOT) policy for non-taxable institutions/facilities (schools) and to determine what the value is for services for what institutions and how to evaluate the services and value. Adopting a policy would at least begin the process.

Selectman Lyman moved that the Board direct the Town Manager to move forward with the Payment in Lieu of Taxes Policy. The motion was seconded by Selectman Salafia and voted 4-0-1 to approve. Dan Kowalski abstained due to a possible conflict.

D. Shawsheen River Gauge

Selectman Major motioned for the Board to authorize the Town Manager to sign the Agreement with the U.S. Geological Service for the Shawsheen River Gauge approved at the 2013 Annual Town Meeting. The motion was seconded by Selectman Kowalski and voted 5-0 to approve.

E. Easements – Dascomb Road

The Town Manager explained that the Town of Tewksbury has secured a State Grant to improve the intersection at Dascomb Road and Shawsheen Street. There are three locations on Dascomb Road that will be part of the drainage system including Hewlett Packard who will have a drainage area on their property to capture the runoff from the hill. The Board has to approve the necessary easements for Dascomb Road to allow MassDOT to construct the intersection improvements

Selectman Major motioned for the Board to accept the necessary easements for the Dascomb Road project to allow MassDOT to construct intersection improvements at the Town line with the Town of Tewksbury. The motion was seconded by Selectman Salafia and vote 5-0 to approve.

VIII. Consent Agenda

A. License Renewals

Selectman Major motioned to approve the request of Andover Food, Inc., d/b/a Raagini Bistro, 209 North Main Street, for the renewal of the following 2014 Common Victualler license to be effective from January 1, 2014 through December 31, 2014. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

Selectman Major motioned to approve the request of Andover Food, Inc., d/b/a Raagini Bistro, 209 North Main Street, for the renewal of the following 2014 All-Alcoholic Restaurant to be effective from January 1, 2014 through December 31, 2014. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Lyman and voted 2-1-2. The motion failed. Selectman Salafia opposed, Selectman Kowalski and Chairman Vispoli abstained.

Discussion: Selectman Major said the Town and the restaurant worked hard to come up with an acceptable agreement and feels we should honor the agreement worked out and feels confident in recommending approval of the license renewal request. Selectman Salafia said he has to be comfortable about putting citizens in a safe environment. The violation was so serious that he is uncomfortable voting in favor of the license renewal. Selectman Kowalski said he abstained because he is waiting on additional information.

Attorney Edwards (representing Andover Food, Inc.) said the agreement was worked out in good faith and the hearing before the ABCC was withdrawn based on the Board of Selectmen's Agreement and cannot now go back to the ABCCC.

Selectman Major motioned that the Board approve an All-Alcoholic Restaurant license for Andover Food, Inc. d/b/a Raagini Bistro, 209 North Main Street, effective from January 1, 2014 through December 31, 2014. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Lyman and voted 3-1-1 to approve. Selectman Kowalski abstained and Selectman Salafia opposed.

B. Change of Manager

On a motion by Selectman Major and seconded by Selectman Lyman it was moved to approve the request of Andover Food, Inc., d/b/a Raagini Bistro, 209 North Main Street, for a Change of Manager on their All-Alcoholic Restaurant license. The new Manager of record will be Jasbinder Pabla. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license and voted 4-0-1 to approve. Dan Kowalski abstained.

C. Appointments and Re-Appointments

On a motion by Selectman Major and seconded by Selectman Salafia, the Board unanimously voted that the following appointments by the Town Manager be approved:

DEPARTMENT	POSITION	RATE	EFF. DATE
------------	----------	------	-----------

POLICE DEPARTMENT

Brian D. St. Hilaire	Dispatcher – PT (v. J. Dugdale)	\$22.85/hr.	12/18/13
----------------------	------------------------------------	-------------	----------

MEMORIAL HALL LIBRARY

Luke Terry	Library Assistant – PT IE12/3/	\$22.65/hr.	12/18/13 (v. B. DeRosa)
------------	--------------------------------	-------------	----------------------------

YOUTH SERVICES

Patrick Enxing	Counselor – PT	C3B/\$9.00/hr.	12/9/13
----------------	----------------	----------------	---------

COMMUNITY SERVICES

Ryan B. O'Connell	Basketball Referee – PT	C2A/\$8.00/hr.	12/7/13
Donald R. Minor, III	Basketball Referee – PT	C2A/\$8.00/hr.	12/7/13
Thomas J. Murphy	Basketball Referee – PT	C2A/\$8.00/hr.	12/7/13
Shaila Abbott	Basketball Referee – PT	C2A/\$8.00/hr.	1/20/13
Simon C. Pereira	Basketball Referee – PT	C2A/\$8.00/hr.	12/2/13
Lindsay D. Rosen	Basketball Referee – PT	C2A/\$8.00/hr.	12/2/13
Eleanor C. Lang	Basketball Referee – PT	C2A/\$8.00/hr.	12/7/13

CONSERVATION OVERSEERS

Paul Stevens – Reservation to be assigned by the Conservation Commission
Term expires 6/30/16

IX. Approval of Minutes from Previous Meetings

On a motion by Selectman Lyman and seconded by Selectman Major, the Board voted 5-0 to approve but not release minutes due to pending ongoing litigation: Executive Sessions from November 12, 2013 and November 18, 2013.

On a motion by Selectman Kowalski and seconded by Selectman Salafia, the Board voted 5-0 to approve the following minutes: November 12, 2013 Special Meeting, November 18, 2013 Regular Meeting with revisions and the December 10, 2013 Special Meeting.

X. Adjournment

At 9:33 P.M. on a motion by Selectman Salafia, seconded by Selectman Kowalski, the Board unanimously voted to adjourn.

Respectfully submitted,

Dee DeLorenzo, Recorder

Documents: Town Manager's FY2015-FY-2019 Recommendations & Funding Summary
Memo on Andover's PILOT (In Lieu to Taxes) Program
Correspondance re: USGS Shawsheen River Gage Agreement
Memo on Easement for Dascomb Road
Recycling /Trash presentation
Memo regarding Medical Marijuana Overlay District